

**BEFORE THE ARKANSAS COMMISSION ON POLLUTION CONTROL &  
ECOLOGY**

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ARKANSAS COMMISSION  
ON POLLUTION CONTROL  
& ECOLOGY  
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IN RE:

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|--------------------------|---|---------------------|
| REQUEST BY CLEAN HARBORS | ) |                     |
| EL DORADO, LLC TO        | ) | DOCKET NO. 07-001-R |
| INIATE RULEMAKING TO     | ) |                     |
| AMEND REGULATION NO. 2   | ) |                     |

**ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
STATEMENT OF BASIS AND PURPOSE AND RESPONSIVENESS SUMMARY**

Pursuant to Minute Order 07-03, the Arkansas Department of Environmental Quality ("ADEQ") submits the following Statement of Basis and Purpose and Responsiveness Summary regarding the above captioned Third-Party Petition to Initiate Rulemaking to Amend Regulation No. 2. In its petition, Clean Harbors El Dorado, LLC ("Clean Harbors") requests modifications to the selenium, chloride, sulfate, and total dissolved minerals (TDS) criteria for Boggy Creek, as listed in Regulation No. 2, Arkansas Water Quality Standards. EDCC also requests the removal of the designated, but not existing domestic water supply use for Boggy Creek.

Statement of Basis and Purpose

Initiation of this rulemaking was as the request of a third party. As such, ADEQ does not wish to make a statement regarding the basis and purpose of the proposed amendments to Regulation No. 2. However, ADEQ does not oppose the proposed changes to Regulation No. 2 that are requested in Clean Harbor's petition.

Responsiveness Summary

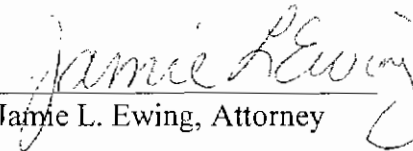
On March 19, 2007, a public hearing was held in El Dorado, Arkansas to receive public comments on the proposed rule changes. A total of five persons attended the public hearing. No oral or written comments were received at the public hearing.

On April 2, 2007, ADEQ submitted comments regarding the proposed rulemaking the Use Attainability Analysis submitted in conjunction with the petition to initiate rulemaking. The public comment period ended on April 2, 2007. No other comments were received within the public comment period.

After the end of the public comment period, ADEQ met with representatives of Clean Harbors to discuss the comments submitted by ADEQ. As stated above, ADEQ is

not opposed to the proposed changes to Regulation No. 2 that are requested in Clean Harbor's petition.

Submitted by:

  
Jamie L. Ewing, Attorney

Arkansas Dept. of Environmental Quality  
8001 National Drive  
P.O. Box 8913  
Little Rock, AR 72219-8913